



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,383	10/17/2003	le-Hong Lin	020292	2247
23696 7590 05/24/2007 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER MILLER, BRANDON J	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 05/24/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com
kaskanla@qualcomm.com
nanm@qualcomm.com

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/688,383	LIN, IE-HONG	
	Examiner	Art Unit	
	Brandon J. Miller	2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 April 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


GEORGE ENG
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Regarding claim 1 the combination of Kennedy Jr. et al. (US 6,920,329 B2) and Bark et al. (US 6,445,917 B1) teach a device as claimed. Kennedy Jr. teaches a method for identifying transmitters in a wireless communication system (see col. 4, lines 58-61, base stations relate to transmitters). Kennedy, Jr. teaches obtaining a plurality of received signals for a plurality of transmitters (see col. 3, lines 37-40, plurality of base stations receiving signals from mobile stations and other base stations relate to obtaining a plurality of received signals for a plurality of transmitters). Kennedy, Jr. teaches determining a transmitter for each received signal (see col. 4, lines 54-61 and FIG. 2, base stations relate to determining transmitter). Kennedy, Jr. teaches determining a list of candidate transmitters for the received signal (see col. 4, lines 54-56, base stations in the vicinity of the mobile terminal relates to list of candidate transmitters). Kennedy, Jr. teaches obtaining predicted power for each candidate transmitter in the list (see col. 4, lines 54-55, estimates of received signal strength relates to predicted power for each candidate transmitter). Kennedy, Jr. teaches identifying a transmitter for a received signal based on signal strength predictions for the candidate transmitters (see col. 4, lines 58-61). Bark teaches identifying a base station in a cell based on a predetermined condition and measured power for a received signal (see col. 6, lines 58-66 and col. 7, lines 2-4, the predetermined condition relates to predicted power).

Kennedy, Jr. and Bark are combinable in that they both teach evaluating radio related parameters of a base station (transmitter) such as received signal strength (see Kennedy, Jr., col. 4, lines 54-57 and Bark col. 6, lines 59-62).

Regarding claim 27, line 10, the limitation "a computer-usable medium for storing the codes" is rejected under 35 U.S.C. 101 because it is directed to non-statutory subject matter. "Computer-usable medium" does not adequately describe how the stored code will be processed and is not analogous to "computer-readable medium".

A handwritten signature in black ink, appearing to be "B. Kennedy Jr.", is written over the text of the rejection. The signature is stylized with a large, looped 'B' and a cursive 'Jr.'.